

December 5, 2017

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

**Re: Minor Variance Application A33/2017P (Colonnade 1440 Inc.)
1440 Pelham Street, Pelham
Plan Temperance V, Part of Lots 1-4, RP 59R-72, Part 1, NP 715
Roll No. 2732 030 005 03700**

The subject land is located on the west side of Pelham Street, lying south of Highway 20 (RR 20), known municipally as 1440 Pelham Street and legally as Temperanceville Plan Part of Lots 1-4, RP 59R-72, Part 1, Now Plan 715 in the Town of Pelham.

The subject land is zoned 'General Commercial' (GC) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The applicant requests relief from:

- **Section 19.3(a) "Maximum gross floor area (GFA) used for residential"** to permit 70% of the GFA whereas 50% is required;

Relief is sought to facilitate the construction of a 2 & 3-storey residential addition above an existing commercial building which is partly 1-storey (to the south) and 2-storey (to the north). The addition consists of twelve (12) residential units completing a 4-storey mixed-use building.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
 1. Efficiently use land and resources;
 2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the

availability of suitable existing infrastructure and public service facilities.

Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

The subject site is located Downtown and is within walking distance to schools, public / private amenities and shopping facilities.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Downtown'.

B1.2.3 states the intent of the 'Downtown' designation is to accommodate a diverse mix of commercial, residential, cultural and social uses. In Downtown Fonthill specifically, this Plan envisions more housing opportunities.

New development in Downtown Fonthill will promote mixed use building and integrate residential uses all of which is to be accessible and/or linked to existing public spaces.

Pelham Zoning By-law No. 1136 (1987), as amended

Section 19.3 Regulations for Residential Uses

a) Maximum gross floor area (GFA) used for dwelling units

Maximum- 50% Request- 70%

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	<p>a) Increasing the GFA for residential apartments from 50% to 70% is minor overall because ample commercial space exists at this property. Also, ground level commercial space is to be maintained.</p> <p>Increasing the residential housing stock Downtown is important to ensure the long term vitality of commercial businesses and institutions, as well as helping to diversify Downtown land uses.</p>
2. The variance is desirable for the development or use of the land.	<p>a) Increasing the residential GFA balance of 1440 Pelham Street is desirable for the property because it provides enduring resiliency in terms of managing rental income and vacancies. Further, allowing for a more stable supply of residents Downtown will support current & future businesses.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>a) Increasing the residential GFA balance maintains the purpose of the Official Plan because it will help diversify the land use mix and add housing supply Downtown.</p> <p>Physically, the variance will allow for the built form to extend up to the north and south lot lines, overhanging the driveway accesses. This does two things, it helps extend the downtown streetwall by providing continuity and framing the public realm while also offering more design options of articulation and building character.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>a) The proposed increase of the residential GFA does not compromise the general intent of the Zoning By-law because commercial space is maximized at-grade, notwithstanding the driveway accesses.</p>

On November 3rd 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (November 22, 2017)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (November 17, 2017)
 - No comments.

No public comments were received at the time of this writing.

Planning Comments

Planning staff are rather familiar with the property, the proposed development and understand the neighbourhood context. A Planning Justification Report was submitted in support of the application by Better Neighbourhoods Inc. dated October, 9th 2017 and staff agrees with the report's commentary.

1440 Pelham Street was the subject of previous minor variance applications:

- A6/2014 – Granted: Reduce parking from 48 to 45 spaces
- A7/2016 – Granted: Reduce; loading spaces, loading space access width, parking, parking aisle width and landscaped amenity area.

A pre-consultation meeting was held with the owner and staff from the Town on March 17th, 2016 to discuss the original redevelopment. However, since this meeting and the previous Committee of Adjustment applications, the proposal has changed, thus triggering a new request. Though a formal pre-consultation was not held to discuss this minor variance, staff have met with the applicants to discuss the redesign.

Planning staff understand the proposal to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate intensification, redevelopment and land use diversification. The proposal will add housing supply to Downtown Fonthill, enhance the streetscape, and increase the property's value and thus, tax productivity while making more efficient use of an existing lot on a fully serviced public street.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Pelham Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A33/2017P **be approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

